

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 TYRONE NOEL NUNN,

Case No. 3:23-cv-00468-MMD-CLB

4 Plaintiff

ORDER

5 v.

6 DISTRICT OF NEVADA/STATE OF
7 NEVADA, et al.,

8 Defendants

9 On September 20, 2023, Plaintiff Tyrone Noel Nunn, an inmate in the custody of
 10 the Nevada Department of Corrections, submitted a “Ex Parte Motion” that seeks the
 11 appointment of counsel so he can pursue claims about inadequate medical and mental-
 12 health care that was provided while he was incarcerated at Ely State Prison. (ECF No. 1-
 13 1). But Plaintiff has not filed a complaint. Nor has he either paid the full \$402 filing fee or
 14 applied to proceed *in forma pauperis* in this action.

15 “A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3.
 16 “A civil-rights complaint filed by a person who is not represented by an attorney must be
 17 submitted on the form provided by this court or must be legible and contain substantially
 18 all the information called for by the court’s form.” Nev. Loc. R. LSR 2-1. And the complaint
 19 must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a).

20 Additionally, the United States District Court for the District of Nevada must collect
 21 filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-
 22 rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee.
 23 See *id.* at § 1914(b). “Any person who is unable to prepay the fees in a civil case may
 24 apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. LSR 1-1. For an
 25 inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the
 26 following documents to the Court: (1) a completed **Application to Proceed *in Forma***
 27 ***Pauperis for Inmate***, which is pages 1–3 of the Court’s approved form, that is properly
 28 signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is

1 page 4 of the Court's approved form, that is properly signed by both the inmate and a
2 prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**
3 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.
4 Loc. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation
5 to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28
6 U.S.C. § 1915(b).

7 For the foregoing reasons, it is ordered that **on or before December 11, 2023**,
8 Plaintiff will either pay the full \$402 filing fee or file a fully complete application to proceed
9 *in forma pauperis* with all three required documents: (1) a completed application with the
10 inmate's two signatures on page 3, (2) a completed financial certificate that is signed both
11 by the inmate and the prison or jail official, and (3) a copy of the inmate's trust fund
12 account statement for the previous six-month period.

13 It is further ordered that, **on or before December 11, 2023**, Plaintiff will submit a
14 complaint to this Court.

15 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
16 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
17 refile the case with the Court, under a new case number, when he can file a complaint
18 and either pay the required filing fee or file an application to proceed *in forma pauperis*.

19 It is further ordered that the Clerk of the Court will send Plaintiff Tyrone Noel Nunn
20 the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same
21 and the approved form application to proceed *in forma pauperis* for an inmate and
22 instructions for the same.

23
24 DATED this 10th day of October 2023.

25 
26 UNITED STATES MAGISTRATE JUDGE
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